

carries.

Now we are back to the main motion as amended, section 8.8 as amended.

MS. CORN: Point of information, please.

PRESIDENT CASSELL: State your point of information.

MS. CORN: May I ask the chair of this committee, is the differentiation you are trying to make between "The State shall have the power to provide for..." blank, and the State shall provide for like the difference of -- the State may provide as opposed to the State shall provide? Is that really the difference you are trying to make?

PRESIDENT CASSELL: The Chair will answer that. It is very clear what it says. It is very clear what it says.

MS. CORN: "May" and "must"? May and shall.

PRESIDENT CASSELL: Those in favor of the motion, as amended, please indicate by saying aye. (Chorus of ayes.) Opposed? (One nay.) Abstain? Okay, section 8.8 is adopted.

Are you now prepared to go back to 8.7?

MS. PARAMORE: Yes, we are.

PRESIDENT CASSELL: All right. Would you read that again?

One moment, please. Mr. Court Reporter, are you having any problems following any of this?

THE REPORTER: No.

PRESIDENT CASSELL: All right. Thank you.

It would make it a lot easier for the court reporter if he did not have to strain to find out is saying what, another reason for us please to be quiet.

Delegate Paramore.

MS. PARAMORE: The State shall have the power to provide and establish standards for both publicly and privately operated day care centers,

DELEGATES: Second.

A DELEGATE: Repeat it, please.

PRESIDENT CASSELL: Let her read that again.
Please read it slowly this time.

MS. PARAMORE: The State shall have the power to provide and maintain public day care centers and establish standards for both publicly and privately operated day care centers.

PRESIDENT CASSELL: All right. Let us have that in writing, please. I assume that you have it now, right? The second reading was different from the first reading.

MS. CORN: We've heard it three times three different ways.

PRESIDENT CASSELL: Delegate Jackson.

MR. JACKSON: Well, that's --

PRESIDENT CASSELL: I guess if the reading there isn't clear as to where it's inserted, and especially if there are two insertions, we want to make that clear before we read it.

MR. JACKSON: Okay. The original language reads, the first language was "The State shall have the power to provide and maintain public day care centers." It was amended, and the suggested language was to "establish standards for both publicly and privately operated day care centers."

Now, that is the language added here. If someone wants to delete the words "have the power to", then they should move that as a separate amendment.

So the amendment on the floor that came from the committee -- You see, it would be unfair for me to just delete the words without discussion.

A DELEGATE: May I ask a question?

PRESIDENT CASSELL: Let him finish.

MR. JACKSON: So if someone wants to amend that to say -- We can't do it in the committee, that's my point.

PRESIDENT CASSELL: I would like you to read it now exactly as it is to read based on the committee's recommendation.

MR. JACKSON: The State shall have the power to provide and maintain public day care centers and establish standards for both publicly and privately operated day car centers.

PRESIDENT CASSELL: Okay. That's clear.

A DELEGATE: Point of order.

A DELEGATE: Move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: The previous question? All right. It has been --

MR. LONG: I have a point of order, sir.

PRESIDENT CASSELL: All right.

MR. LONG: Did we not already vote to adopt the wording to this section?

PRESIDENT CASSELL: No, we did not.

A DELEGATE: It was tabled.

PRESIDENT CASSELL: They withdrew it and I asked them to withhold it until they could establish the new language, as they have done now.

A point of procedure, Mr. Secretary?

MR. COOPER: Yes. I would like to know if the committee is offering this as an amendment. If so, we have to have a motion to adopt this section before we can amend it.

MR. JACKSON: No, sir. I think you're confused.

The Chair asked the committee if we would perfect the language. This is the language the committee has come back with --

MS. PARAMORE: This is the original changed now.

PRESIDENT CASSELL: Mr. Secretary, let me make it clear, now. Since there was some confusion as to, first of all, the intent of this, I asked the committee to withdraw their original submission. So there is nothing on the floor now except what they are giving to us as their original submission. They withdrew what they had before.

Delegate Kameny?

MR. KAMENY: Mr. Chair, if it is in order -- and if I'm out of order, please tell me -- I would like to move an amendment, to delete the words "have the power to", consistent with what we have done in section 8.8.

PRESIDENT CASSELL: Is there a second?

MS. PARAMORE: Second.

PRESIDENT CASSELL: All right. Discussion?

MR. CROFT: Mr. President, I can't hear what is being said back here.

PRESIDENT CASSELL: Let me remind you that there is some noise outside, a fan or a motor or something, so it

is very difficult to hear. I guess we're going to have all speakers take the microphone.

What is it that you missed, Delegate Croft?

MR. CROFT: I can't hear with all the noise going on outside. I would like some order in here.

PRESIDENT CASSELL: Okay.

MS. PARAMORE: We need to read the original to you again. Section 8.7, day care centers --

PRESIDENT CASSELL: This is the first submission. This is the committee's report. What they reported before they withdrew, as though it never happened, and they are now making their first submission for 8.7.

Delegate Paramore.

MS. PARAMORE: "The State shall provide and maintain public day care centers --"

PRESIDENT CASSELL: That's different than what you read to us before.

MS. PARAMORE: Okay. I was taking Kameny's amendment "The State shall have the power to provide and maintain public day care centers and to establish standards for both publicly and privately operated day care centers."

PRESIDENT CASSELL: Okay. Discussion?

MR. KAMENY: There is now an amendment to that, which

was seconded.

PRESIDENT CASSELL: Oh, yes. Okay.

The amendment, which was seconded, was to --

MR. KAMENY: -- delete the four words "have the power to."

PRESIDENT CASSELL: Right, on line 5, delete the words "have the power to" in the same way as we did for section 8.8.

MR. KAMENY: Right.

PRESIDENT CASSELL: Discussion on that amendment? This is on the Kameny amendment.

Delegate Barnes.

MR. BARNES: I agree very strongly with the intent of the Kameny amendment. However, I don't think the committee or the Convention has studied this problem enough to know exactly how much it will cost and how would we finance it, et cetera. So I have to speak against it. I think there is just too much --

PRESIDENT CASSELL: Delegate Schrag, and then Harris.

MR. SCHRAG: I agree with Delegate Barnes. The Kameny amendment would leave the section incredibly vague. For example, it uses the plural "centers", but that would seem to be able to be satisfied by having only two day care centers.

It shall establish day care centers, and there might be one in one part of the city and one in another and that's all they would have. So it doesn't tell us anything about the quantity or anything about the cost of these centers.

If we defeat the Kameny amendment and leave in the committee's language, where all these problems are left to the legislature, where they belong.

PRESIDENT CASSELL: Delegate Harris.

MS. HARRIS: Regarding the Kameny amendment, presently the State provides day care centers in every ward in the city. Some of them are in church buildings, school buildings, et cetera. But the fact is, I think what the language does here, the Kameny amendment, it only states that the State shall provide it. It did not say how many. It did not say where. It just says upon request it shall provide..

PRESIDENT CASSELL: Delegate Jackson, then Long.

MR. JACKSON: I think it is no secret that I think the State should provide all those things you mentioned before. However, we argued it out in the committee. But I will tell you this; If you on this floor say the people of D.C. should make prisons (inaudible) and not day care centers -- this is exactly what you're saying -- You know, it doesn't

take a legal mind. I (unintelligible) I've looked at it, so let's not --

PRESIDENT CASSELL: Delegate Long.

MR. JACKSON: We have no business saying that we have to have prisons and nobody is saying anything about day care centers (inuntelligible)

PRESIDENT CASSELL: All right. Delegate Long.

MR. LONG: Mr. President, I was opposed to the mandatory part for prisons, also. But I will have no trouble defending that when I go into the community to defend this Constitution, because it is a normal function of the State, unfortunately, that we have to have such things.

However, when we get into an area which is not a usual, accepted part of the State function, because it can be done completely by private means under State regulation, I will have more difficulty trying to defend the Constitution. For that reason, I oppose the Kameny amendment.

PRESIDENT CASSELL: Delegate Croft, Rothschild.

MR. CROFT: I think a specious argument has been presented on the floor, regarding costs, et cetera, and it overlooks the accomplishments of this city. People talk about having difficulty explaining this to the citizens. Well, let's look at this city. This city, number one, has the highest

percentage of any jurisdiction in this country of working women.

Now, I think, indeed, that a working mother understands the need for day care. I don't think that is difficult to explain to anyone. If you can explain the need to have people in jail, then you can explain the need to have a child in a center where that child gets the things that it needs to grow and develop.

PRESIDENT CASSELL: Delegate Rothschild.

MR. ROTHSCHILD: I also agree with Delegate Jackson and Delegate Croft, that we made a mistake in one section, clearly bringing out prisons as mandating by the State. However, on the child care centers, it is slightly different.

Nobody is going to go out and say "I want a prison in my neighborhood." People are going to be asking for child care centers and saying they have a right to child care centers. That may be a valid thing to ask for. But nevertheless, I want to leave it up to the legislature to decide across the broad priorities of things to be able to prioritize things as they are aware of the revenues and what we can do. I think we have given them an indication that we clearly want the State to do something in the child care centers, but I don't think we want to open it too wide so that it becomes uncon-

trollable.

PRESIDENT CASSELL: Delegate Paramore, Jordan, and then we vote.

MS. PARAMORE: I rise to speak in favor of the Kameny amendment. (Pause.)

PRESIDENT CASSELL: Yes, Delegate Paramore.

MS. PARAMORE: Yes, I was waiting for her --

PRESIDENT CASSELL: Would you please sit down, Mrs. Corn, and stop interrupting?

MS. PARAMORE: I rise to speak in favor of the Kameny amendment, for the following reasons:

We talk about closing schools, and we talk about building jails, so are we closing schools and providing jails for the children to go into after they reach a certain age because we haven't provided the proper training, so that they can do other things? I think if we can find money to build new jails, then we can find money to provide for our children in here, and in here, and all the way to the finish.

PRESIDENT CASSELL: Delegate Jordan.

MR. JORDAN: It is nice to get emotional on this issue, but we're comparing apples and oranges. Jails exist because people violate laws that are established to protect the citizenry collectively and the people individually.

Now, the fact of the matter is, whether you have a child or don't have a child is an individual decision. This Convention, if it votes on an article that comes from the Rights Committee, it is going to take a position that says if you want to have an abortion, you can; the State has no right to interfere with that. I am saying that this issue right now that we're talking about, if we're going to provide the prisons and if we want to provide the day care centers, the complement is not necessarily true.

Having a baby is a personal decision that an individual makes. It is not society's responsibility to take the burden or the weight for personal decisions that individuals make. Committing crimes, on the other hand, like my mother gets bumped in the head -- I have to get loud like everybody else does.

. PRESIDENT CASSELL: Delegate Jordan, please. Continue and complete.

MR. JORDAN: Mr. President, all I'm saying is, we are not protecting the State by putting babies in day care centers. They offer no threat to the State. We are protecting the State by creating prisons --

MR. T. MOORE: Move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL; The previous question has been called. Those in --

MR. JORDAN: Wait a minute, Mr. President. I thought we said earlier today that we weren't going to let people be interrupted and interferred with when they were speaking.

Now, who in the hell called the previous question? I want to know why I can't be respected when I stand up to speak, dammit, and these other people can keep calling the previous question!

PRESIDENT CASSELL; Delegate Jordan --

MR. JORDAN: I want to know who it was --

PRESIDENT CASSELL; Delegate Jordan, the Chair is addressing you.

The person who called the previous question has apologized. Let me ask you not to engage in vituperous discussion on the floor. It isn't necessary. If you had not been yelling and screaming, you wquld have heard the man apologize and it would have been unnecessary,

Delegate Freeman.

MS. FREEMAN; I just want to request, if Delegate Jordan does not support the Kameny amendment, I do assume he will support section 18 of the Bill of Rights.

PRESIDENT CASSELL: That is out of order. It is out of order.

All right. The motion on the floor -- We have had enough discussion on this now. The motion on the floor is to delete from line 5 in 8.7, "have the power to". Is that clear now? If you vote for this motion, it will read "The State shall provide and maintain public day care centers and to establish standards for both publicly and privately operated centers."

Those in favor of that amendment to 8.7, signify by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.) Abstained?

MS. CORN: Division.

PRESIDENT CASSELL: Division. Those in favor of 8.7 as amended, indicate by raising your hand. (Show of hands.)

MR. LONG: It's just the amendment.

MR. KAMENY: The amendment.

A DELEGATE: We're voting for the Kameny amendment. That's all we're voting on right now.

PRESIDENT CASSELL: All right, thank you.

The Kameny amendment is to eliminate "have the power to". Is that clear now? Line 5, to eliminate the four words "have the power to".

Those in favor of the Kameny amendment indicate by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.) Abstained?

DELEGATES: Division.

PRESIDENT CASSELL: Division has been called.

Those in favor of the Kameny amendment raise your hands. (Show of hands.)

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Those opposed -- please, let's have order. (Show of hands.)

MR. COOPER: Thirteen.

PRESIDENT CASSELL: Those abstaining? (Show of hands.) The motion carries. Abstainings are two.

Okay, we are back to 8.7 as amended.

MS. CORN: Other amendments, please.

A DELEGATE: What was the total vote?

PRESIDENT CASSELL: Sixteen, thirteen, two.

We are back to 8.7 as amended.

MS. CORN: Other amendments?

PRESIDENT CASSELL: Those in favor of adopting --

MS. CORN: Sir, point of order.

PRESIDENT CASSELL: -- 8.7, as amended --

MS. CORN: Point of order, sir.

I move that wherever the words "day care center" appears, the following words shall be added, "and after school care centers."

Now, may I --

PRESIDENT CASSELL: No, no, no, you may not. You may not. Hold on now.

What you want to add is not wherever but only where it appears in this particular section --

MS. CORN: Right, in this section.

PRESIDENT CASSELL: -- 8.7. It is to add after the words "day care centers", "and after school care centers."

Is there a second to that motion? (No response.)
The motion dies for lack of a second.

We are back to the original motion, and that is the adoption -- Yes, sir, speak.

MR. LOVE: I would like to urge my fellow delegates to vote against section 8. We are spending taxpayers' money. We are not elected to spend money --

PRESIDENT CASSELL: Section what?

MR. LOVE: Section 8.7, day care.

We were not elected to spend the taxpayers' money. We cannot be involved because we spend taxpayers' money. We are being profligate. I oppose this section since it has been

amended and I urge the people to vote against it.

PRESIDENT CASSELL: All right.

Delegate Schrag.

MR. SCHRAG: I move to amend this section by adding the words "as provided by law" after the word "Centers".

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that after "Centers" we add the words "as provided by law".

Discussion?

MR. SCHRAG: We have done this all throughout, including the section on prisons.

PRESIDENT CASSELL: Can we do this by consensus? Very good.

Then we are now voting on 8.7 with the last word appearing, after "Centers", "as provided by law".

Those in favor indicate by saying aye --

MR. SCHRAG: Mr. President, the word "centers" appears there twice. My amendment is to put it right after it appears the first time, "maintain public day care centers as provided by law and to establish standards..."

PRESIDENT CASSELL: Okay. Is it clear where he wants to add that? It is after "day care centers" on line 6, right, "as provided by law". Okay. May we vote now?

Delegate Feely.

MS. FEELY: Would you read what we are voting on, please?

PRESIDENT CASSELL: Mr. Secretary? Well, I think I can read it.

"The State --"

MR. COOPER: "The State shall provide and maintain public day care centers, as provided by law, and to establish standards for both publicly and privately operated day care centers."

PRESIDENT CASSELL: Those in favor of that motion, indicate by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstained? The ayes have it and we are back now to 8.7 as amended.

Any discussion? Those in favor of 8.7 as amended indicate by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstain? 8.7 is adopted.

Delegate Paramore, we are now on 8.9. Is it up here?

MS. CORN: It should be. Delegate Baldwin had it.

MS. PARAMORE: We have a minority report from Delegate Corn --

MS. HARRIS: It's not a minority. It's just an

amendment.

PRESIDENT CASSELL: Okay. Delegate Paramore.

MS. PARAMORE: We have an amendment by Delegate Corn.

Okay. I want to move section 8.9, Economic Security for the Elderly. "The State shall have the power to provide for health, security..."

PRESIDENT CASSELL: Okay. It has been moved -- is there a second?

MS. CORN: Second.

PRESIDENT CASSELL: It has been moved and seconded that 8.9 be adopted as read. Discussion?

Delegate Corn.

MS. CORN: I would like to move an amendment. On line 20, I would like to add the following sentence. "The State shall regulate public and private nursing homes for the elderly and the disabled, as provided by law."

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that these words be added after "elderly." This is the last line, line 20. "The State shall regulate public and private nursing homes for the elderly and the disabled, as provided by law." Discussion?

MS. CORN: May I speak to my own motion?

MS. PARAMORE: Before Delegate Corn talks, the committee as a whole will accept that entirely, and it could be submitted as part of our language.

PRESIDENT CASSELL: Okay, that is submitted as part of the language of the report --

(Delegate Harris clapping.)

PRESIDENT CASSELL: Yes. We can let her have a hand. (Applause.)

Discussion? All right. Those in favor of section 8.9 as amended -- I beg your pardon.

Those in favor of the amendment, please signify by saying aye. (Chorus of ayes.) Opposed? (one nay.) Abstain? Okay, the amendment carries.

8.9 now, as amended, is on the floor. Those in favor of accepting 8.9 as amended, indicate by saying aye. (Chorus of ayes.)

MS. PARAMORE: Would you read the last part?

PRESIDENT CASSELL: What do you mean "the last part"?

MS. PARAMORE: The last sentence.

PRESIDENT CASSELL: Has that been asked to be read again?

MS. PARAMORE: Yes, I would like to have it.

PRESIDENT CASSELL: All right, once more now.

8.9, after the word "elderly." add "The State shall regulate public and private nursing homes for the elderly and the disabled, as provided by law."

Those in favor of that amendment indicate by saying aye. (Chorus of ayes.) Opposed? (one nay.) Abstain? Okay, 8.9 is adopted as amended.

Delegate Paramore.

MS. PARAMORE: Mr. President, I would like to move 8.10.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that 8.10 be adopted. Discussion? Love.

MR. LOVE: Mr. Chairman, I move to delete the words on line 25, "slum clearance".

PRESIDENT CASSELL: Is there a second to that motion?

A DELEGATE: Second,

PRESIDENT CASSELL: It has been moved and seconded that on line 25 the words "slum clearance" -- and apparently "and" I should add should be removed also, correct?

MR. LOVE: Yes, sir.

May I speak to that?

PRESIDENT CASSELL: Okay, yes.

MR. LOVE: This is exactly the same kind of terms that was used to destroy southwest Washington. I think they are dangerous terms -- (applause) -- and I think they should be deleted.

PRESIDENT CASSELL: Further discussion? Delegate Jones.

MRS. JONES: In our present city regulations do we talk about urban renewal and even spot urban renewal and use the term "slum clearance".

As I have said before, everybody has a different measuring cup. Their measuring cup could say that my house can be removed as slum clearance. If I don't cut the grass, my neighbors are going to say the same thing. (Laughter.)

The only thing I'm saying is, if we leave this term in there, housing can be cleared for all sorts of purposes that are not in the best interests of the State.

Secondly, if you leave this term in there, the person who will measure what a slum clearance will be will be the private sector. If the private second is allowed to do that, then good buildings will be torn down rather than being rehabbed or remodeled for people to live in. I am opposed to that.

Thirdly, Metro comes along and removes things that says slum clearance, and when Metro removes things as slum clearance, they will use the eminent domain and take your house and tear it down and give you a minimum amount of money for it and not a fair price.

They also use it for the Metro parking lots. As one person who is vehemently opposed to tearing down a house to park a car, I am opposed to this and I urge the Convention delegates to vote this out.

PRESIDENT CASSELL: Is there further discussion?

The motion on the floor is, on line 25, eliminate the two words "slum clearance" -- three words, "slum clearance and". Delegate Feely?

A DELEGATE: Second.

PRESIDENT CASSELL: All right. Those in favor of the motion, please indicate by saying aye. ,(Chorus of ayes.) Opposed? Abstain? Okay.

Are there further amendments to 8.10? Chestie Graham.

MRS. GRAHAM: I would like to ask a question. What is "decent sanitary and safe shelter"? I was thinking that a better word might be "adequate". I would like for somebody to help me with that.

MR. ROBINSON: The committee, in choosing the language, had persons testify before it. It was impressed upon us that to simply provide housing without putting any qualifications on the housing would mean that the State could engage in the kind of housing that is prevalent in our city today, housing that you and I are aware of from newspaper reports and personal experience that cause injury, with falling ceilings and plaster and lead-base paint, et cetera, et cetera.

So, in its wisdom, the committee decided to include some qualifying language, and the language is written here.

PRESIDENT CASSELL: Let me ask a question.

Delegate Simmons, when I came in, it seems to me there was a discussion as to the meaning of "decent". Was that issue resolved to the satisfaction of the body?

MS. SIMMONS: This is different for the simple reason that there has been housing legislation and it is very clearly based on the history of experience. It has been established by public law.

PRESIDENT CASSELL: Is that acceptable to the questioner?

Are there further amendments to 8.10?

MR. ROBINSON: I move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: Tell me what the previous question is.

A DELEGATE: The vote on 8.10.

PRESIDENT CASSELL: Okay. Those in favor of closing debate, signify by saying aye. (Chorus of ayes.) Those opposed? Abstain?

The motion on the floor is to adopt 8.10, as amended. Those in favor indicate by saying aye. (Chorus of ayes.) Those opposed? Abstain?

Delegate Paramore, 8.11.

MS. PARAMORE: I wish to move, Mr. President, section 8.11.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that 8.11 be adopted. Discussion? Croft.

MR. CROFT: I have an amendment which I have submitted on 8.11. It's a very simple amendment. After the word --

PRESIDENT CASSELL: Excuse me. I understand that there was a rule adopted this morning that it has to be written, brought to the table, and given to us up here.

MR. CROFT: I wrote it out and brought it to the table. I wrote it out and submitted it.

MR. BRUNING: It is the same language that I had submitted, so I have no problem with Mr. Croft submitting it, or reading it.

PRESIDENT CASSELL: Do I understand that your motion was included with the one from Delegate Bruning?

MR. BRUNING: I was merely according as a courtesy, but now that he's here --

PRESIDENT CASSELL: Oh, it's his motion?

MR. BRUNING: Yes.

PRESIDENT CASSELL: Very good. Proceed.

MR. CROFT: After the word "preserve", I would like to include after that "and enhance".

PRESIDENT CASSELL: On line 5? All right. Is there a second?

A DELEGATE: Second.

PRESIDENT CASSELL: All right. On line 5, it has been moved and seconded that after the word "preserve" be added two words, "and enhance".

MR. CROFT: I would like to speak to that.

PRESIDENT CASSELL: Speak.

MR. CROFT: The reason why I have asked the word "enhance" be added is that cultural represents the life of a people. I am asking that the culture be nurtured, and I am

using the word "enhance" to mean the word "nurtured".

PRESIDENT CASSELL: Further discussion on that motion?

MS. CORN: May I ask Delegate Croft, who is the chair of the Economic Development Committee, as I recall we had a section in the Economic Development Committee report, article, which was passed, that dealt with this sort of thing, didn't we, about the cultural creating and preserving, enhancing cultural things? You know, the cultural things of the city.

Didn't we have something about this, but not saying that there would be a museum?

MR. CROFT: First of all, the article that we passed addressed physical objects, physical environment, and not necessarily questions of culture. I do not see this section as being in conflict with that.

I think this one explicitly deals with culture, and I would not define culture as purely objects.

PRESIDENT CASSELL: Is there further discussion on the amendment? Simmons, Harris, Robinson.

MS. SIMMONS: Mr. President, I really wanted to move the previous question. I think these are all very self-explanatory terms and need no further elaboration.

PRESIDENT CASSELL: The question has been called. Those in favor of cutting off debate, indicate by saying aye. (Chorus of ayes.) Those opposed? (One nay.) Abstain? All right.

The motion on the floor is to amend line 5 and to add after the word "preserve" "and enhance". Those in favor of that amendment indicate by saying aye. (Chorus of ayes.) Opposed? Abstain? So ordered.

Are there further amendments to 8.11? Are there further amendments to 8.11?

Those in favor of 8.11 as amended --

MR. GARNER: Mr. Chairman, may we debate 8.11?

PRESIDENT CASSELL: Yes, you may debate 8.11.

MR. GARNER: I believe I understand and am sympathetic with the intent of the second line of 8.11, but it is not very straightforward. I do not believe it is possible to put historical sites and landmarks inside an appropriate facility. That's the way this language reads.

I would be very happy if you could find a facility in the Anacostia Historic District, but that would be a very large facility. I think you ought to change that language so it reads that there shall be a facility that is used to display the arts and, in addition, the State shall maintain

historical sites and landmarks. That second sentence doesn't say that.

PRESIDENT CASSELL: Delegate Harris.

MS. HARRIS: Yes. In response to Delegate Garner, the thought here was, number one, we were trying to do it -- as we said, this comes out of our section on housing. We are trying to preserve the creative and cultural arts of a people. That could be through a museum or any other such structure.

As you know, in our present city-state we do not have -- we have maybe one museum that speaks to the culture of the people within this present structure. All the other historical sites and landmarks and museums deal with and on a national level. We are protecting and preserving the culture of a people, so we are not talking about putting Rhodes Tavern in a building. That's a historical landmark and it can stand as it is. That is covered for here.

PRESIDENT CASSELL: Is there further discussion on 8.11 as amended?

MR. JORDAN: Mr. Chair.

PRESIDENT CASSELL: Delegate Jordan, Feely.

MR. JORDAN: Mr. Chair, I have an amendment I would like to submit -- I hope it's in time. After the word "cultural" on line 5, insert the two words "and ethnicity".

PRESIDENT CASSELL: Do we have that, Mr. First Vice President? Mr. Bruning, do we have such an amendment?

We have something here. Is that it?

MR. BRUNING: Yes, sir.

MR. JORDAN: It says line 5, "and ethnicity".

MR. BALDWIN: The only thing we have, Delegate Jordan, is line 5, delete, and there is no name or anything.

PRESIDENT CASSELL: It just isn't legible. Why don't you tell us what it is.

MR. JORDAN: I wanted to add the words, at the end of -- after "cultural" add "and ethnicity".

PRESIDENT CASSELL: All right. Is there a second to that motion? This is to add after "cultural", and "ethnicity" --

MR. JORDAN: And "creativity" to make it consistent.

MS. HARRIS: Question to the maker of that motion.

PRESIDENT CASSELL: All right, question.

First of all, let me get a second. Barnes, do you second that?

MR. BARNES: Second.

MS. HARRIS: My question to Delegate Jordan, if we are going to provide cultural resources for the people, the people of the State, would you please clarify to me what you

mean by "ethnicity" if it is already talking about the culture of the people of the State?

MR. JORDAN: Culture is a collective concept. It also deals with a predominance, overbearing concept. The culture in this city might not be what the ethnic heritage is of its composite powers. I am trying to break it down so not only do we preserve the overall ethnicity of the city, a collective ethnicity, but that individual speech, food, or whatever the manifestation of ethnic groups are, are maintained, too.

When you say cultural, you submerge all ethnic groups into one. That's precisely what you're doing.

MS. HARRIS: No, I'm sorry. Let me give you the committee's intention here.

MR. JORDAN: He has a dictionary. It's defined --

MS. HARRIS: No, we did not feel that we are submerging anybody's culture when you use it here. Presently, the culture of Washington, D.C. is national, so it does not include the ethnic group here. But we are talking about a state now. We are talking about preserving the culture and the traditional arts of its people. So whatever predominant culture there is, that will emerge.

PRESIDENT CASSELL: Delegate Robinson, Simmons.

MR. ROBINSON: I am very concerned that this discussion is getting out of hand --

A DELEGATE: Hear, hear.

MR. ROBINSON: The committee has worked, the committee has put together a very concise article, and I would only caution my fellow delegates that that step from the sublime to the ridiculous is a very short one and we are treading on it, and I beg you not to take it and that someone will please move the previous question.

PRESIDENT CASSELL: All right --

MS. PARAMORE: I move.

PRESIDENT CASSELL: Previous question has been called.

A DELEGATE: Second.

PRESIDENT CASSELL: And seconded.

MS. CORN: Point of order.

PRESIDENT CASSELL: Those in favor of cutting off debate --

MS. CORN: Point of order.

PRESIDENT CASSELL: -- indicate by saying aye.

(Chorus of ayes.)

MS. CORN: Point of order.

PRESIDENT CASSELL: Those opposed? (Chorus of nays)

MS. CORN: Point of order.

PRESIDENT CASSELL: Abstain.

MS. CORN: Have there been two speaking for his?

MS. HARRIS: Would you let him chair?

MR. COOPER: No abstentions.

PRESIDENT CASSELL: Okay. The motion on the floor is to -- Please, please.

Mr. Secretary, read the motion that is on the floor, please.

MR. COOPER: The motion on the floor by Delegate Jordan. Insert on page 4, line 5, section 8.11, after the word "cultural" comma "and ethnicity", and change the word on line 6, "creative" to "creativity".

PRESIDENT CASSELL: All right. It is time for us to vote now. Those in favor of that motion --

MR. SCHRAG: Point of information.

MS. CORN: Point of information.

PRESIDENT CASSELL: One point of information. One point of information. Speak.

MR. SCHRAG: Have there been two speakers against this amendment?

MR. BALDWIN: The rule was read to the delegates, Mr. Chairman.

PRESIDENT CASSELL: Quickly, read the procedures to Delegate Schrag. I hope we don't lose any more time on this.

I understand that at the beginning the procedures were read very clearly and everybody should understand them.

MR. BALDWIN: I'll read them for him.

The previous question is not in order if any delegate desires to speak for up to two minutes and fewer than two delegates have already spoken on the delegate's side of the issue. I'm sure your side will either be pro or con, and we have had more than two people speak on either issue.

PRESIDENT CASSELL: Those in favor of the motion, those in favor of Jordan's motion indicate by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstained? The motion loses.

We are back now to 8.11.

MS. PARAMORE: On 8.11, I move -- I so move.

PRESIDENT CASSELL: Okay. We are back to 8.11 as amended. Those in favor of 8.11 as amended, indicate by saying aye. (Chorus of ayes.) Opposed? Abstain? So ordered.

MS. SIMMONS: Point of information, Mr. President.

I would like to know, can a person just arbitrarily blurt out the previous question without being recognized by

the Chair and have it honored?

PRESIDENT CASSELL: No, they cannot.

MS. SIMMONS: Well, I have experienced that occurring on more than one occasion here this morning and I certainly call to your attention to pass the word and hope that it will not continue.

PRESIDENT CASSELL: The Chair will pay very close attention to anybody who calls point of order and make certain that he or she is recognized. Thank you for calling my attention to that.

Delegate Paramore.

MS. PARAMORE: Yes. I would like to move the committee's report in its entirety, the committee's article, from the Health, Housing and Social Services, and at this time I would like to thank the delegates and my wonderful committee -- (simultaneous voices.)

PRESIDENT CASSELL: Please, ladies and gentlemen. The chairperson of this committee is attempting to make a motion. We are at the end of this particular article. May we hear her and give her courtesy and respect?

MS. PARAMORE: I move the entire article.

DELEGATES: Second.

PRESIDENT CASSELL: Okay. It has been moved and

seconded that the article be adopted.

Discussion? Delegate Cooper, Delegate Barnes, Oulahan.

MR. COOPER: Fellow delegates, I would like to speak in support of the article we have just amended and are about to adopt. I think it's an excellent article.

MS. PARAMORE: Thank you.

MR. COOPER: I would like to speak in favor of parts of the report of this committee. However, there are some parts of the report that trouble me deeply. I speak specifically to a certain portion in this report that includes brief excerpts from constitutions of places other than the United States, places like the USSR and the Polish People's Republic --

PRESIDENT CASSELL: Delegate Cooper, this is not read in the report. This is background material. We have never made that a part of our discussion.

MR. COOPER: I am merely stating my rationale.

PRESIDENT CASSELL: No. If you want to talk about the articles that have been read and the sections that have been read and adopted, but to argue about the rationale when we have already adopted all of it is out of order.

MR. COOPER: I think the articles are great. I think

that most of the rationale speaks to the articles very much so and I think most of the rationale supports these articles --

MS. HARRIS: Mr. Chairman, point of personal privilege.

PRESIDENT CASSELL: Point of personal privilege.

Please state your point of personal privilege.

MS. HARRIS: Mr. Chair, I understand Mr. Cooper's concern, but we have gone through each article and have thoroughly discussed it, debated it, and voted on it. We are at the end and I don't see where it is germane to go back to the beginning of how something was done.

PRESIDENT CASSELL: The Chair agrees.

Is there further discussion on the -- Delegate Croft.

MR. CROFT: Mr. President, for the record, I have never heard a statement (unintelligible) as the one just made by Delegate Cooper.

PRESIDENT CASSELL: Further discussion?

MR. COOPER: Point of procedure. In case everybody didn't read the report, I wanted to make sure --

PRESIDENT CASSELL: Delegate Barnes.

MR. BARNES: I am the next person to speak and I do have an amendment, a new section to move in this report.

PRESIDENT CASSELL: Point of personal privilege?

MR. JACKSON: Point of personal privilege.

Now, it is no secret to anyone who wrote these things. Let's just make it clear, Mr. Chair. I will state here that each person on the committee was asked to do the report. I did what I was asked to do and my brothers did. If Mr. Cooper has a problem with that, God bless him. I only did what I was asked to do, and must admit did it damned well.

PRESIDENT CASSELL: Delegate Barnes.

MR. BARNES: I would not like to be filmed by the news media. (Laughter.)

This committee was to discuss health and human services, and there is one distinct aspect that I see missing from this report.

My purpose is two-fold: to find a half-way point between Section 20 of the Bill of Rights and to include this section in their report. I am moving the following language:

"Section 8.12 Public Sector Jobs and Welfare.

"The State shall have the power to create jobs and to provide transfer payments for the purpose of meeting basic human needs."

MR. JORDAN: Second.

PRESIDENT CASSELL: It has been moved and seconded that an additional section 8.12, as read by Delegate Barnes,

be adopted.

MS. CORN: I want to speak against that.

PRESIDENT CASSELL: Discussion? Barnes, Corn.

MR. BARNES: I'll pass.

PRESIDENT CASSELL: Delegate Corn.

MS. CORN: I would be glad to go on record [remark physically striken from the record]. I am very opposed --

(President Cassell rapping gavel.)

MS. CORN: I am very opposed --

PRESIDENT CASSELL: Delegate, I was not rapping for the body. I was rapping for you.

Now, let me say that this convention has business to conduct, which has nothing to do -- Anybody here who directs anything to the press or anybody outside of this floor I rule out of order.

. Now, I want your remarks struck from the record -- Mr. Reporter, I am demanding that -- regarding filming.

MS. CORN: I want to go on record saying I would oppose anything in this Constitution that would set up automatically the possibility of a welfare state. I don't think that this belongs in here. I think a legislature automatically knows its rights and powers, knows that it has to provide all these other things, proper health care, health-related things,

day care centers, all of these things. To put a special provision and clause in this that would institutionalize and put in stone that we can have a welfare state is horrendous and abhorring.

I urge you to vote against this section. The committee's report was excellent, it was all-encompassing --

PRESIDENT CASSELL: Thank you. You have made your point.

Delegate Baldwin. Delegate Schrag, Feely.

MR. SCHRAG: Mr. President, I rise in support of this amendment. I think this is exactly the appropriate way to deal with the important subject of transfer payments and employment and other public services that may be very important to the people of this State. The Barnes amendment -- May I have your attention, please?

The Barnes amendment says the State shall have the power to provide various services, entirely consistent with what we have done so far in saying the State shall have the power to provide health services and a variety of other services. This is exactly the right way to deal with this in the Constitution -- that is, leave it to the legislature to outline the details of these things, give general guidelines to the legislature and say that these are desirable public kinds

of services, but not try to write complicated language.

I fully support the Barnes amendment.

PRESIDENT CASSELL: Delegate Feely.

MS. FEELY: Move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: The previous question has been called. Those in favor of closing off debate indicate by saying aye. (Chorus of ayes.) Those opposed? (Two nays.) Abstain?

Okay. The additional section 8.12, entitled "Public Sector Jobs and Welfare. The State shall have the power to create jobs and to provide transfer payments for the purpose of meeting basic human needs."

Those in favor of that amendment, please signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstain?

Those in favor, please signify by raising your hands. (Show of hands.)

MR. COOPER: Eighteen.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

MR. COOPER: Ten.

PRESIDENT CASSELL: Those abstaining?

MR. COOPER: One.

PRESIDENT CASSELL: All right, the new section is adopted.

Delegate Kameny.

MR. KAMENY: This section raises all kinds of procedural questions, since it has been introduced here, and therefore there is no section in the report on it. The terms are left undefined for the record. Some of us may have an economic education -- I don't. The term "transfer payments" means nothing to me, although it seemingly does to others.

I would like to suggest that, at the very least, an oral statement be made now to go into the record which defines that term and such other terms as may need definition so that there is a permanent record. Otherwise, there are going to be problems with the language. I say this constructively, not obstructively.

PRESIDENT CASSELL: May the maker of that motion which was just adopted give an explanation of the term "transfer payments".

MR. KAMENY: For the record.

MR. BARNES: Yes. I believe it is a term used in economics that is standard. It basically means that persons pay taxes to a government and the government gives money back to the people. That's a transfer payment. It isn't produced;

it isn't interest; it isn't anything like that. It is simply giving money in and it immediately comes back.

Delegate Long could elaborate if I haven't made that clear.

PRESIDENT CASSELL: Delegate Paramore, is your motion on the floor to adopt the article?

MS. PARAMORE: To adopt the entire article.

PRESIDENT CASSELL: Okay. The motion on the floor is to adopt the entire article, as amended. Discussion?

Delegate Rothschild.

MR. ROTHSCHILD: First let me just say I have enjoyed working on this committee, and our chairperson, Gwendolyn Paramore, has been more than fair and a wonderful chairperson.

(Applause.)

In speaking to the article itself, though, it is highly doubtful that any of these things couldn't be done even if we didn't speak to them. I mean, would could create a legislature and just let it do these things without us spelling it all out. However, what we have done in this article is we have said basically the State may do this, the State may do that, until we get to prisons. Prisons stands out like that is the one thing that we feel we have got to have. Even

if there are no criminals, we have got to have prisons.

So I really am discouraged because I think we were doing very well with this article until we got to the section on prisons. So for that reason, I just may abstain.

PRESIDENT CASSELL: Delegate Simmons.

MS. SIMMONS: I would not want the record to stand with a biased observation on that record. I believe in that section which spoke to prisons was mandating rehabilitation programs --

A DELEGATE: Thank you.

MS. SIMMONS: -- and I believe it is important that that be understood. It is the mandating of rehabilitation programs that will improve the quality of life for this city, and that is why -- I mean our city-state -- and that is why it was so stated.

PRESIDENT CASSELL: Further discussion on the article?

MR. ROBINSON: Move the previous question.

PRESIDENT CASSELL: The previous question has been moved. Those in favor of cutting off debate signify by saying aye. (Chorus of ayes.) Opposed? Abstain? Okay.

Those in favor of adopting the article as amended indicate by saying aye. (Chorus of ayes.) Opposed? Abstain?

The article is adopted.

Delegate Paramore.

MS. PARAMORE: I don't want to take too much time, but I would like to say that we have had a wonderful committee. I loved working with them. We were all cooperative. We had some arguments and they were just beautiful. You know, I don't know why that happened, but we had good hardy people and we were concerned.

I would also like to thank you as the delegates for helping the article. I think if we could do all of the rest of them like this, I think we will make it. The best of luck to all of you. I'm going to take a little rest.

Thank you so much.

PRESIDENT CASSELL: A rest? What do you mean "rest"?

(Laughter.)

Delegate Paramore, let me also congratulate and thank this committee as well as the others. I am very proud of the kind of research, the kind of preparation that all of our committees have made, and this one in particular.

I am also proud of the fact that our committee chair has the respect, love and affection of the members of that committee. Thank you very much.

The Chair declares a 15 minute recess. It is now

2:10. We will come back at 2:25.

A DELEGATE: What committee is on then?

PRESIDENT CASSELL: I just want to say that Delegate Paramore is the one chairperson of a committee, according to the Secretary, who turned over to the Secretary all of her minutes, so it was very clear what the intent of all of the sections of the article were.

What was the question regarding the recess?

A DELEGATE: What's on the agenda when we return?

PRESIDENT CASSELL: Intergovernmental Relations, second reading. Hold on just a minute. (Conferring.)

The second reading of Judiciary. If we get to it, we can start the first reading of Rights. We should reconvene at 2:25.

(Whereupon, the Convention was in recess.)

PRESIDENT CASSELL: All delegates, please. Let us reconvene. The time now is 2:27. We are two minutes past the 15-minute period. We have two more articles that we would like to take care of, hopefully before we leave, within the next two-and-a-half hours.

That is the second reading of Intergovernmental Relations and the second reading of Judiciary. It is my hope that we can complete those today, so that we can begin

Monday on the reading of the Rights if, indeed, we don't get to that today. That will be the first reading of Rights. It's going to be a long one and, therefore, we need to finish these two today.

Delegate Barnes, see if you can get people in from the halls, please.

Delegate Moore. Will the committee please come forward and take their seats at the appointed place, and we shall begin.

Delegate Moore, if he speaks for the committee -- has he been selected? I think he indicated that he has been.

MR. T. MOORE: Mr. Chairman, I am Talmadge Moore, substituting for the reading of the chairperson.

PRESIDENT CASSELL: Delegate Moore, let me ask you, do I have the latest thing here?

We have far less than a quorum. Can we see if we can get some of the people back in here now? Somebody go into the halls and into the rooms. We just can't do business with only about 12 people in the room.

I will announce we have not been able to get enough people back in here to resume. I would ask each delegate to try and get at least one person. This is not enough to begin.

I have word that a good number of our people who are

on the Preamble and Rights Committee have left the building, ostensibly for the District Building. That, of course, would be contrary to our rules if that is a correct report and we cannot proceed.

MR. JORDAN: Mr. Chairman.

PRESIDENT CASSELL: Yes, Delegate Jordan.

MR. JORDAN: Mr. President, I am on the Preamble and Rights Committee, and if they're having a meeting, I was never informed of it. So I don't know why they would be leaving the building.

I have never received notice that we would be having a meeting today. Delegate Kameny is here, so I don't know if that information is correct, Mr. Chair.

PRESIDENT CASSELL: All right. I'm going to wait another five minutes and then we're going to start. We have now 18 people. We need five more.

(Whereupon, the Convention was in short recess.)

PRESIDENT CASSELL: Let us come back to order and begin to read, and let's hope we have a quorum. If we don't have it by the time we are required to vote -- Will the chairperson of the Styling and Drafting Committee please come forward, other members of the Styling and Drafting Committee, those who will be reading.

I have asked Miss Chestie Graham to either read for the committee or delegate somebody from the committee.

Ladies and gentlemen, please be seated. We are about to begin.

Delegate Graham, the Style and Drafting Committee chair, will now address the second reading of Intergovernmental Relations.

MS. GRAHAM: Mr. President, I wish the members of the Convention would get their intergovernmental relations article, and let's look at Section 1, Boundaries of the State.

You want me to read the whole thing, is that it?

PRESIDENT CASSELL: Yes.

MS. GRAHAM: It reads "(a) The boundaries of the State shall be subject to the approval of the Congress of the United States and the voters of the State of _____. The State shall include at least all the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area as defined in this Section.

"The boundaries --" It should read this way: "The State include, however, at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area as defined in this Section."

Lines 9 and 10. "The outer limits of the boundaries of the National Capital Service area are:

"Beginning at that Northeast point on the present Virginia-District of Columbia boundary, running due east to the eastern shore of the Potomac River;" Page 2.

"thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;"

Line 5: "thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;"

Line 8: "thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

"thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

"thence east on Constitution Avenue to Seventeenth Street Northwest;

"thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

"thence east on Pennsylvania Avenue to Jackson Place Northwest;

"thence north on Jackson Place to H Street Northwest;

"thence --" This is page 3 of 10. "thence east on H Street Northwest to Madison Place Northwest;

"thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

"thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

"thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

"thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

"thence north on John Marshall Place Northwest to C Street Northwest; --"

PRESIDENT CASSELL: In the interest of saving the number of words in the transcript and the cost, may we eliminate reading the word "semi colon"?

MS. GRAHAM: All right. Thank you.

"thence East on C Street --" shall I elmininate the punctuation marks?

PRESIDENT CASSELL: Yes. I think you can eliminate all the punctuation marks.

MS. GRAHAM: "thence east on C Street Northwest to Third Street Northwest;

"thence north on Third Street Northwest to D Street

Northwest;

"thence east on D Street Northwest to Second Street Northwest; thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest; thence northeast on Louisiana Avenue Northwest to North Capitol Street; thence north on North Capitol Street to Massachusetts Avenue Northwest; thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

"thence following Union Square to F Street Northeast; thence east on F Street Northeast to Second Street Northeast; thence south on Second Street Northeast to D Street Northeast;"

Page 5 of 10. "thence west on D Street Northeast to First Street Northeast; thence south on First Street Northeast to Maryland Avenue Northeast; thence generally north and east on Maryland Avenue to Second Street Northeast; thence south on Second Street Northeast to C Street Southeast; thence west on C Street Southeast to New Jersey Avenue Southeast; thence south on New Jersey Avenue Southeast to D Street Southeast; thence west on D Street Southeast to Canal Street Parkway; thence southeast on Canal Street Parkway to E Street Southeast; thence west on E Street Southeast to the --" this

is page 6 of 10 -- "intersection of Canal Street Southwest and South Capitol Street;

"thence northwest on Canal Street Southwest to Second Street Southwest; thence south on Second Street Southwest to Virginia Avenue Southwest; thence generally west on Virginia Avenue to Third Street Southwest; thence north on Third Street Southwest to C Street Southwest; thence west on C Street Southwest to Sixth Street Southwest; thence north on Sixth Street Southwest to Independence Avenue; thence west on Independence Avenue to Twelfth Street Southwest; thence south on Twelfth Street Southwest to D Street Southwest;"

Page 7 of 10. "thence west on D Street Southwest to Fourteenth Street Southwest; thence south on Twelfth Street Southwest to D Street Southwest; thence west on D Street Southwest to Fourteenth Street Southwest; thence south on Fourteenth Street Southwest to the middle of the Washington Channel; thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair; thence due east to the side of the Washington Channel; thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore

at the mean high water mark to the northernmost point of the Eleventh Street Bridge;"

Page 8 of 10. "thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River; thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers; thence generally south along the eastern shore at the mean high water of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia; thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and

"thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning."

Page 9 of 10. I think we should say here that Mr. Baldwin made a motion or an amendment that deals with suffrage. So we placed that motion -- I talked to Mr. Baldwin about it also -- and he agreed that was quite all right, to move that motion he made, that amendment, to suffrage. That would be moved to section 4 of the suffrage. When you get that, it will be there.

I move the adoption of Section 1, Mr. President.

PRESIDENT CASSELL: Have you finished reading?

MS. GRAHAM: I finished reading (a).

PRESIDENT CASSELL: On page 9, I think there are a few more items.

MS. GRAHAM: Page 9, all right.

"(b) Where the National Capital Service area is bounded by a street, the street and its sidewalks shall be included within that area.

"(c) The District Building shall, however, be part of the State.

"(d) The State does not include any of the bridges crossing the Potomac River."

I move the adoption.

PRESIDENT CASSELL: Is there a second?

MR. SCHRAG: Second.

PRESIDENT CASSELL: It has been moved and seconded that we adopt the section as read, section 1.

Delegate Schrag.

MR. SCHRAG: Mr. President, there are two typographical errors in this section which I would like to call to the attention of the delegates.

PRESIDENT CASSELL: Please, may we have everybody's

attention? Delegate Schrag wants to point out two typographical errors in the second just read. Quickly, please.

MR. SCHRAG: Both of them are things that are printed here that should not have been printed and should be deleted. One is at the bottom of page 6 and the top of page 7. Two of the street designations are repeated, are printed twice. That is, line 25 on page 6 through line 4 on page 7, are a duplicate of line 6 on page 7 through line 10 of page 7. So one of those two should be omitted.

PRESIDENT CASSELL: All right. Why don't you simply make that deletion from your report, since it is obviously an error. I don't think we need to vote on that.

MR. SCHRAG: I was just calling it to the attention of the Secretary so that it is officially done.

PRESIDENT CASSELL: Which one is it you would delete, first of all?

MR. SCHRAG: Let us delete lines 6 through 10 on page 7.

The second deletion to be made is on page 9. During the first reading we deleted section (d) on motion of Mr. Baldwin. That should not have appeared in this text and it did, so that should be struck. Subsection (d),

PRESIDENT CASSELL: All right. Is there general

agreement on that, that section -- subsection (d), line 9, page 9, is to be eliminated.

Delegate Graham.

MS. GRAHAM: I move the adoption of the section with the corrections that have been made.

PRESIDENT CASSELL: Second? Is there a second to the motion to adopt?

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 1 of the Intergovernmental Relations Article be adopted with the corrections just made,

Discussion? Those in favor of adoption of this section indicate by saying aye. (Chorus of ayes.) Those opposed? Abstain?

Delegate Graham,

MS. GRAHAM: Section 2, Cooperation with other Governments.

"with the consent of the legislature, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other States and the Federal Government. At the request of the Federal Government and with the consent of the legislature, the Governor shall negotiate contracts with the federal government to

provide police, fire, sanitation, and other services to foreign embassies and chanceries and to federal buildings and federal properties in the National Capital Service Area."

PRESIDENT CASSELL: Pardon me one moment. This reads a little differently --

MS. GRAHAM: Wait a minute, I'm reading the wrong one. I'm sorry.

May I do that again, sir?

PRESIDENT CASSELL: Lines 21 through 23.

MS. GRAHAM: Line 21 through 23. "...with the federal government to provide police, fire, sanitation, and other services to foreign embassies and chanceries and to federal buildings and other federal property located in the State or in the National Capital Service Area."

PRESIDENT CASSELL: Let me ask a question here now. Were you reading from a different copy or a different one?

MS. GRAHAM: I'm sorry, yes. My first copy was the one that I read from.

PRESIDENT CASSELL: The one that you read from secondly, is that the one that we all have?

MS. GRAHAM: That's the one that we should have.

PRESIDENT CASSELL: Is everybody following this reading now? I want to make certain that -- I had the wrong

copy, to begin with, myself.

The copy we are reading should be dated May the 19th, 19882, is that correct?

MS. GRAHAM: Yes.

PRESIDENT CASSELL: We are now on page 9, at the bottom of the page, and have just completed the reading of section 2. I trust everybody followed that and that the reading we just heard was identical to what you have on the paper you're reading from.

Mr. General Counsel. One moment.

Delegate Graham, had you made a motion?

MS. GRAHAM: I had made it, and it was seconded by Delegate Mason.

PRESIDENT CASSELL: Okay. The motion on the floor is to adopt section 2.

Mr. General Counsel.

MR. R. THOMAS: Mr. President, just for the record, as I said in my legal report to this the first time, and as I said on the floor, this State may not enter into any compacts with other States without the consent of the U.S. Congress, as articulated --

PRESIDENT CASSELL: What line are you reading from?

MR. R. THOMAS: Line 14 through 16. It says, "With

the consent of the legislature, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other States..." Article 3, Section 10, forbids this without the consent of the Congress.

MR. KAMENY: Of what, the Federal Constitution?

MR. R. THOMAS: Yes, the Federal Constitution.

PRESIDENT CASSELL: I'm not clear. I didn't see the last statement you made, without the consent of the United States Congress.

MR. R. THOMAS: I am saying that as comment here. A State cannot enter into a compact with another state without the consent of the U.S. Congress. That is in compliance with Article 3, section 10, of the U.S. Constitution.

PRESIDENT CASSELL: Okay. So what you are suggesting is that in order to conform to the U.S. Constitution, such wording should be incorporated here?

MR. R. THOMAS: Yes.

PRESIDENT CASSELL: Or that it should not be here?

MR. R. THOMAS: Right. Or it can be included in here to prevent a problem.

PRESIDENT CASSELL: Delegate Schrag.

MR. SCHRAG: Mr. President, I am a member both of the Style and Drafting Committee and of the Substantive Com-

mittee that worked on this article.

The committee was quite aware of this. It is understood, as the General Counsel says, that this would require the consent of the U.S. Congress. It doesn't need to be changed in the text because everything in our Constitution is subject to the United States Constitution. It is understood that these agreements are subject to the consent of the Congress, but that does not have to be spelled out and specified in the State Constitution.

There are a lot of things in our Constitution that are subject to conditions imposed by Congress. So the committee was aware of that and didn't feel there was a need to include the language.

PRESIDENT CASSELL: Any other comments from the committee?

MS. GRAHAM: Yes, Mr. President. It states in the beginning "With the consent of the legislature" --

PRESIDENT CASSELL: Well, that refers to the state legislature. We are talking about the United States Constitution.

Mr. Counsel, was there any rejoinder?

MR. R. THOMAS: Yes. I don't agree with Mr. Schrag. I think this gives the impression that a Governor only need

the consent of the legislature, the state legislature, for entering into a compact.

Now, he is right in the sense that a state couldn't do it anyway without the consent of Congress, but I wanted to make it clear that that is the intent of this Convention, or to put in language.

PRESIDENT CASSELL: Delegate Mason from the committee, Charles Mason.

MR. MASON: I agree with Delegate Schrag. It is well known that in the state compact between any state it does require the consent of Congress. The term "compact", especially when in the state procedures, is a word of art that suggests something that requires the consent of Congress under the Constitution. I do not think any time when the word "compact" is mentioned it is necessary to elaborate, to state that it is required.

For instance, the compact between Vermont and New Hampshire which sets up a school district, called the Dresden School District, overlaps the state boundaries -- the town of Hanover, New Hampshire and the town of Norwich, Vermont across the river -- into a single school district requires the consent of Congress. It is simply given that an interstate compact does require the consent of Congress. These

compacts would be no different from others and I don't think we have to say that.

PRESIDENT CASSELL: Further discussion on section 2?

Delegate Hilda Mason.

MRS. MASON: I am also a member of the Style and Drafting Committee, but I'm sorry, I'm having my lunch.

PRESIDENT CASSELL: Thank you, Mr. General Counsel.

MRS. MASON: I want to thank General Counsel for trying to help us straighten this out. But I think the key here is entering into a compact, and when you are entering into it, that requires a process to go to the federal government anyway and to get that worked out. So I don't see any problem there.

MR. R. THOMAS: Well, if everybody makes it understood, fine. I just wanted to bring it out.

MRS. MASON: Thank you very much.

PRESIDENT CASSELL: Thank you. We appreciate your diligence in making certain that we understand these fine points.

Are we ready to vote? Those in favor of adopting section 2 as read, indicate by aying aye. (Chorus of ayes.) Those opposed? Abstain? Section 2 is adopted.

Delegate Graham.

MS. GRAHAM: Mr. President, I move the adoption of section 3, and it reads "Acceptance of federal funds.

"No taxes shall be imposed by the State upon any property now owned or hereafter acquired by the United States, unless the property becomes taxable because the United States disposes of it or consents to taxation. The State may accept from the Federal Government grants and other payments, including payments in lieu of tax revenues that would be collected were the federal property in the State subject to taxation."

I move the adoption.

PRESIDENT CASSELL: Second? Is there a second?

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 3, as read, acceptance of federal funds, be adopted. Discussion?

Delegate Mason.

MRS. MASON: Just one correction. United States, the word "State" should be capitalized. On the third line.

PRESIDENT CASSELL: I think we can accept that.

Okay. There being no further discussion, those in favor of adopting section 3 of Intergovernmental Relations, indicate by saying aye. (Chorus of ayes.) Those opposed?

—
Abstain? That section then is adopted.

MS. GRAHAM: Mr. President, I move the adoption of the whole section on Intergovernmental Relations.

A DELEGATE: Second.

PRESIDENT CASSELL: I'm sorry, The Chair missed --

MS. GRAHAM: I move the adoption of the whole article, Intergovernmental Relations.

PRESIDENT CASSELL: All right. It has been moved and seconded that the article on Intergovernmental Relations be adopted.

Those in favor indicate by saying aye. (Chorus of ayes.) Those opposed? Abstain? The article is adopted.

Thank you very much.

We have now completed the second reading of Intergovernmental Relations.

Delegate Graham, next is the second reading of the Judiciary article. Are you prepared to read?

MS. GRAHAM: Yes. I am ready to move.

Mr. President, I would like to present the second reading of the Article on the Judiciary, Section 1, Judicial Power.

"The judicial power of the State shall be vested in a unified judicial system, consisting of a Supreme Court,

and a Superior Court, and such inferior courts as may be established by law. All such courts shall be courts of record."

Mr. President, we adopted that Wednesday night, I think it was, or Thursday night. I think --

PRESIDENT CASSELL: Are you saying that this is adopted on the second reading?

MS. GRAHAM: Yes, this section 1, Judicial Power.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: One question I have, Delegate Graham, was that if we could resort back to the original language of the committee which said -- the original language of the committee stated, on line 4, after "and" it would state "shall include such inferior courts as may from time to time be established by law." That was the original language that was passed by this body, and it was changed by taking out most of that and just including, as you have written here on line 4, "such inferior courts as may be established by law."

The reason it was my thought that we should go back to the original language of the committee is that we already have established in the city inferior courts. We have landlords, tax courts, probate courts and other kinds of courts. So we really are not just establishing courts. We might be

establishing new courts, but courts already exist. And so if we use the language that was voted on by some, not changing it, and put "shall include such inferior courts as may from time to time be established by law", we include what we now have and make room for establishing others.

MS. FREEMAN: Point of order.

PRESIDENT CASSELL: State your point of order.

MS. FREEMAN: Are we going to read through the entire article as reworked by Style and Drafting first before we go through it section by section?

PRESIDENT CASSELL: I thought it might be a good idea to go section by section. We're going to have to come back to those section by section anyway.

Any objections? Okay.

Delegate Schrag.

MR. SCHRAG: Mr. President, the omission of the words "from time to time" by the Style and Drafting Committee is a purely stylistic change. Delegate Harris points to the existence of some courts now, such as the probate court and the landlord-tenant court, but these are not inferior courts at present. They are a part of the judiciary, of the Superior Court. They are not inferior courts. They are just divisions of the Superior Court. Therefore, this change is purely

stylistic.

PRESIDENT CASSELL: Further discussion?

Do you have a motion, Delegate Harris, or was that just a commentary? Are you asking the committee if they would go back and make a recommendation of, rather than what they have here, to return to the original language?

I don't know whether we have anything on the floor now. You made a comment and the committee apparently is not willing to make that change themselves, and they are recommending what is before us. If you make a suggestion to them and they don't accept it, then we're voting on what we've got right here, unless you make a motion.

There being no motion on the floor --

MS. HARRIS: I would like to move then that in line 4, after "and" add "shall include such inferior courts as may from time to time be established by law."

MR. SCHRAG: Point of information.

PRESIDENT CASSELL: State your point.

MR. SCHRAG: Mr. President, my question is, am I correct in my understanding that amendments to stylistic changes made by the Committee on Style and Drafting require a two-thirds vote under our rules,

PRESIDENT CASSELL: No.

MR. SCHRAG: On second reading.

PRESIDENT CASSELL: Amendments to substitute changes require a second.

MR. SCHRAG: Mr. President, I would like to call the attention of the President to the rule. Rule 3.3(d)(3), which says, "On second reading --

PRESIDENT CASSELL: 3.3(b) --

MR. SCHRAG: (d)(4): "On second reading, the proposed article may be amended only by affirmative vote of two-thirds of those delegates present and voting."

The purpose of this rule that was inserted into the Constitution and thoroughly considered by the Rules Committee of -- that developed the rule, by the original Rules Committee, was so that stylistic changes would be consistent, would be carefully done, would be brought to the body in a consistent way, and only if there was something extraordinarily wrong with the language would we overturn it.

Because if we start doing drafting changes on the floor of the Convention on second reading, we are going to end up with a hodgepodge of language that is not internally consistent and it makes no sense. To support the committee on style and drafting's editorial work, we provided that it would take two-thirds to overturn editorial decisions of the Style

and Drafting Committee.

A DELEGATE: Point of information --

PRESIDENT CASSELL: One moment. Let me respond to that.

Are you referring to page 13, (d) second reading?

MR. SCRAG: Yes, sir, (d) (4).

PRESIDENT CASSELL: All right.

Delegate Lockridge.

MRS. LOCKRIDGE: Might I ask Delegate Harris a question. Are you suggesting, Delegate Harris, that a substantive change has been made by Style and Drafting?

A DELEGATE: Yes.

MS. HARRIS: Yes.

MRS. LOCKRIDGE: Then I am suggesting that what Delegate Schrag is saying is out of order. We need to deal, first of all, with her complaint, that a substantive change has been made by Style and Drafting.

MS. HARRIS: If I might speak to that, Delegate Cassell, I sat on the original Rules Committee and that rule was put there because once the committee made the decision, and the body voted on it in the first reading, that the second reading would be harder to change those things made by the committee on the first reading. That's why it was put there.

There was no discussion of Style and Drafting, absolutely none. We were concerned about facilitating second readings and third readings. If Style and Drafting put in something, we could discuss. If they take out something, we could discuss it. But that did not come into play when that rule was determined.

PRESIDENT CASSELL: Delegate Lockridge raised the point that we should be considering first whether, indeed, there is a substantive change which has been made by Style and Drafting. Let us read them and make a decision on that.

Line 4, as it reads now by Style and Drafting, "...Superior Court, and such inferior courts as may be established by law."

The original wording, "...Superior Court, and shall include such inferior courts as may from time to time be established by law. All such courts shall be courts of record."

The deletion in the Style and Drafting report is to eliminate "from time to time". What we had previous to that and adopted by the body was "and shall include such inferior courts as may from time to time be established by law." The words that are left out are "and shall include" and, in addition to that, "from time to time."

The Chair rules that that does amount to a substantive change, and that Delegate Harris is correct in indicating that that substantive change would require a two-thirds vote.

MS. GRAHAM: Mr. President, that means that it should read how, sir?

PRESIDENT CASSELL: That kind of substantive change can only be made by a delegate anyway. So what we are obligated to do is to go back to the language that has been adopted by the body.

MR. SCHRAG: Point of order,

PRESIDENT CASSELL: State your point.

MR. SCHRAG: The committee has not had the opportunity to point out -- to argue that this is not a substantive change.

PRESIDENT CASSELL: Well, the Chair can rule, but I'll hear it.

MR. SCHRAG: What we did was eliminate the words "from time to time." The committee regarded those words as implicit; that is, if you give the legislature the power to establish such inferior courts, when are they going to do it? They're going to do it at various times. The words "from time to time" are merely extraneous words.

It was the charge of the committee on Style and Drafting to keep the document short, simple and readable without changing the meanings. So we have consistently, throughout the work we have done over the past several weeks, deleted unnecessary words. We deleted quite a lot of unnecessary words that do not change the meaning of this Constitution.

I suggest to the President and to the body that if we are to argue about stylistic changes on the floor of this convention, we are never going to finish this Constitution. You created a Style and Drafting Committee for the purpose of correcting the style and drafting of this Constitution and I urge the body to support its Style and Drafting Committee so that we can do the editorial work in an expeditious way. It is hard enough to draft in a committee of seven or ten people. It is impossible to do editorial drafting in the body.

PRESIDENT CASSELL: In reviewing and listening to you, the Chair is persuaded that this is a stylistic change.

All right. May we move on.

Point of information.

MR. COOPER: I just wanted to know for my own information, the other night we adopted a resolution that the

language that comes from Style and Drafting go before the Substantive Committee before review in case they have any serious questions.

I just want to know if this procedure was followed because this would facilitate this --

PRESIDENT CASSELL: Let's get a response for that question. Delegate Schrag.

MR. SCHRAG: Mr. President, I am very sorry that Vice President Baldwin isn't here at this moment, very sorry, because after the meeting in which this article was first read -- and we suspended its consideration until today -- Delegate Harris, Delegate Thomas, Vice President Baldwin presiding, and most of the Style and Drafting Committee, and Delegate Bruning observed it -- stayed an hour-and-a-half going through about 20 different questions that were raised with respect to changes made by Style and Drafting. In each case we demonstrated to the members of the Judiciary Committee who were present -- Delegates Harris and Thomas -- why the change to be made was purely stylistic, a matter of moving a section from one place to another, or changing a word, keeping the meaning the same. We spent an hour-and-a-half doing that, and Delegate Baldwin was convinced at the end of that time that we had made no substantive changes.

Now, if we have to do this hour-and-a-half of explaining all over again for the body, I'm afraid that we are never going to finish this Constitution. Because we did meet with the committee to satisfy their objections, and I wish that Delegate Baldwin were here to confirm that we had done so.

PRESIDENT CASSELL: The Chair is very much concerned with the fact that, as we go through these second readings that we may consume an inordinate amount of time in just discussing what is a stylistic change and what is a substantive change.

The Secretary has raised the question of whether, according to our rules, the changes made stylistically by the Style and Drafting Committee have been, indeed, discussed with and agreed to by the Substantive Committee.

Delegate Schrag indicates that it has, and that this was done after lengthy debate.

Is there any disagreement with that?

MR. THOMAS: Yes, there is a lot of disagreement. The first thing, only two people from the committee was there, Mrs. Harris and myself. Today the chairman of the committee is not here, the vice chairman of the committee is not here, and Delegate Oulahan resigned from the committee, so I take issue with what Delegate Schrag is saying because it's not true.